

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use of agricultural land to domestic garden (367 sq.m.).

LOCATION: L'Enclos, Rocque Es Cas, Vale.

APPLICANT: Ms A Branch

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 12/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7596-01 B1, B2, B3,

Application Ref: FULL/2022/1221

Property Ref: C000790000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter

period as may be specified in the permission).

3. Notwithstanding the information shown on the approved plans and prior to the proposed garden extension being brought into first use, details of the biodiversity landscaping scheme set out on drawing 7596-01 B3 including wildflower planting setting out planting schedules, noting the species, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme accords with the Strategy for Nature supplementary planning guidance.

4. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the proposed garden extension being brought into first use, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the planting scheme accords with the Strategy for Nature supplementary planning guidance.

Expiry Date: This permission will cease to have effect on 11/10/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to Condition 4, it is strongly encouraged that you contact La Société Guernesaise for further information on native wildflower meadow species. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the land will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the land.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date

on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1221
Property Ref: C000790000
Valid date: 24/06/2022
Location: L'Enclos Rocque Es Cas Vale Guernsey GY3 5BP
Proposal: Change of use of agricultural land to domestic garden (367 sq.m.).

Applicant: Ms A Branch

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. Notwithstanding the information shown on the approved plans and prior to the proposed garden extension being brought into first use, details of the biodiversity landscaping scheme set out on drawing 7596-01 B3 including wildflower planting setting out planting schedules, noting the species, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme accords with the Strategy for Nature supplementary planning guidance.

4. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the proposed garden extension being brought into first use, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

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INFORMATIVES

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises an area of agricultural land located to the south of the dwelling-house. The area of land consists of mature vegetation bounded by granite walls on all sides. A pedestrian access exists to the east of the site, presumably accessed over a right-of-way over neighbouring land.

The land is immediately surrounded by the dwelling-house and driveway to the north and west, a neighbouring driveway to the east, and a road (Rocque Es Cas) to the south. The land is elevated above the dwelling-house.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to change the use of agricultural land to domestic garden. A new pedestrian access will be formed to the north boundary. The total area equates to approximately 367m² as noted in the application form.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP15: Creation and Extension of Curtilage

Strategy for Nature (2020) Supplementary Planning Guidance.

Conclusion/Brief comment:

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *“Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan”*. Policies GP1 and GP15 are considered below.

The application site is not located within an Area of Biodiversity Importance or within an Agriculture Priority Area (APA) as defined in the Island Development Plan.

The application does not propose to remove any significant areas of established boundary treatments. The partial demolition of the north boundary wall in order to create a pedestrian access is acceptable.

Due to the secluded nature of the land and high boundary treatments, the area of land does not contribute to a wider area of open land from a spatial analysis or landscape character perspective, for the purposes of Policy GP1 and GP15.

There would be no requirement to restrict the exemption rights afforded to the householder to manage future development of the land given that the site already benefits from a large garage/outbuilding. In addition, any other potentially impactful development permitted under the exemptions ordinance would automatically require planning permission due to being sited between the house and the road.

The proposal would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties.

The impact on the landscape character and open land has been considered under the provisions contained within Policy GP15. In summary, the change of use alone would not have a detrimental impact to the landscape character and open land, and

the proposal would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area. The development is compliant with Policy GP1.

The agent has included three areas of biodiversity enhancement to take into account the Strategy for Nature (2020) Supplementary Planning Guidance of which includes planting 3 trees and creating a wildflower meadow and a vegetable patch. Whilst these propositions may be insufficient to fully take into account the Strategy for Nature (2020) for other change of use applications, these proposals are considered reasonable and proportionate for the size of this land, which already features dense vegetation.

With regards to the proposed wildflower meadow area, it is encouraged that the applicant seek further, independent guidance on the most appropriate method to maximise biodiversity of the approved area of garden, and shall be later agreed by the Authority. A planning condition and informative should be attached to the decision in relation to these matters.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

On this basis, the application is compliant with the relevant Island Development Plan policies, it is therefore recommended that planning permission be granted, subject to conditions

Recommendation:

Grant with Conditions



Date: 12/10/22